UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

NICHOLAS SCOTT SAPP,]	
]	
Plaintiff,]	
]	
V.]	No. 3-09-0581
]	JUDGE HAYNES
]	
CSX TRANSPORTATION, INC.]	
]	
Defendant.	j	

ORDER

In accordance with the Memorandum filed herewith, Defendant's motion for summary judgment (Docket Entry No. 33) is **GRANTED**; Plaintiff's motion for partial summary judgment (Docket Entry No. 36) is **GRANTED** in part as to the issue of mitigation but is otherwise **DENIED**; Plaintiff's motions to strike (Docket Entry Nos. 45 and 52) are **GRANTED** in part and **DENIED** in part; and Defendant's motion for permission to respond to the issue of mitigation of damages (Docket Entry No. 49) is **DENIED**. This action is **DISMISSED** with prejudice.

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 12 day of October, 2010.

WILLIAM J (HAYNES, JR. United States District Judge